

D.N. DBD-CV15-6016722-S

**THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and**

**THE ESTATE OF NOAH POZNER,
LEONARD POZNER AS ADMINISTRATOR**

v.

**THE TOWN OF NEWTOWN and NEWTOWN
BOARD OF EDUCATION**

SUPERIOR COURT

J.D. OF DANBURY

AT DANBURY

SEPTEMBER 22, 2015

**PLAINTIFF'S COMPLIANCE WITH DEFENDANTS' INTERROGATORIES and
REQUESTS FOR PRODUCTION**

Pursuant to Practice Book § 13-7, et seq., Plaintiff, The Estate of Noah Pozner, Leonard Pozner as Administrator hereby gives notice that he has, on the date hereon, complied with, or objected to, the Defendants' Interrogatories and Requests for Production, served by the Defendants on or about April 24,:

A. BY WAY OF INTERROGATORIES:

1. Please identify the individual answering these interrogatories on behalf of the Estate of Jesse Lewis.

ANSWER: Leonard Pozner

2. Please identify any documents referenced in preparation of these answers.

ANSWER:

3. Please identify the “school safety policies and procedures which left no area for discretion,” as referenced in paragraphs 7 of the First and Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories in this matter directed at the Defendants. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to/after the date of loss cited in the complaint.

4. Please identify the “lock-down” plan(s), as referenced in paragraphs 7, 9, and 12 of First Count and paragraphs 7 and 9 of the Second Count of the Complaint, and for each plan(s), please state:
 - a. The date on which the plan was “previously practiced,” as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - b. The circumstances under which the plan was “previously practiced,” as referenced in paragraphs 7 of the First and Second Count of the Complaint; and
 - c. The source of your information that the “lock-down” plan was previously practiced.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and all its sub-parts, under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to/after the date of loss cited in the complaint.

5. Please identify the “evacuation” plan(s), as referenced in paragraphs 7, 9 and 12 of the First Count and paragraphs 7 and 9 of the Second Count of the Complaint, and for each plan(s) please state:
 - a. The date on which the plan was “previously practiced,” as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - b. The circumstances under which the plan was “previously practiced,” as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - c. The source of your information that the “evacuation” plan was previously practiced.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and all its sub-parts, under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to/after the date of loss cited in the complaint.

6. Please identify the “safety protocols,” as referenced in paragraphs 8 and 30h of the First Count and paragraphs 8 and 31h of the Second Count of the Complaint, and for each response, please identify, with specificity:
 - a. The “information, tools, and training,” as referenced in paragraphs 8 of the First and Second Counts of the Complaint, which were necessary to properly implement said safety protocols.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and all its sub-parts, under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to the date of loss cited in the complaint.

7. Please identify all facts in support of your allegations in paragraph 9 of the First Count that the Board failed to provide the teachers in classrooms 9 and 10 with a key to lock the classroom door.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

8. Please identify all facts to support your claim that there was a "ministerial duty of implementing the safety protocols," as referenced in paragraphs 9 of the First and Second Counts of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

9. Please state when exactly "the intruder's presence became unmistakably known," as referenced in paragraph 9 of the First Count of the Complaint, and all facts upon which you base this allegation.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter.

The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

10. Please identify all facts to support your claim that there was a “ministerial duty of locking down the school and evacuating students,” as referenced in paragraphs 10 of the First and Second Counts of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

11. Please describe in detail the “ministerial duty of locking down the school,” as referenced in paragraph 10 of the First Count of the Complaint, and the source of this alleged ministerial duty.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

12. Please identify the “school lock-down” plan(s), as referenced in paragraphs 11 of the First and Second Counts of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as

it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

13. Please identify the “necessary tools,” as referenced in paragraphs 12 of the First and Second Counts of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

14. Please identify the “security and safety guidelines” as referenced in paragraphs 12 and 31 of the First Count and paragraph 12 of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

15. Please identify the “key components” as referenced in paragraph 12 of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as

it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

16. Please identify the “plan,” as well as the “details and proscriptions of this plan,” as referenced in paragraph 13 the First Count of the Complaint, and how this plan left no discretion to the teachers or employees at Sandy Hook Elementary School.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

17. Please identify the “safety procedures” referenced in paragraph 14 of the First Count the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

18. Please identify the “internal policies” referenced in paragraph 14 of the First Count and paragraph 15 of the Second Count the Complaint, including:
 - a. The author and/or source of the policies, specifically the “internal handbooks, policies, procedures, and other codified rules and regulations,” as referenced in paragraph 14 of the First Count and paragraph 15 of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

19. Please identify the "safety policy" referenced in paragraph 15 of the First Count the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

20. Please identify the "lock-down or evacuation procedures" as referenced in paragraphs 26, 30, and 30c of the First Count and paragraphs 27 and 31c of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

21. Please identify the "security and safety protocols" as referenced in paragraph 27 of the First Count and paragraph 28 of the Second Count of the Complaint, and:

- a. when these protocols were “recently rehearsed,” as alleged in paragraph 27 of the First Count and paragraph 28 of the Second Count of the Complaint; and
- b. The source of your information that the “security and safety protocols” were recently rehearsed.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and its sub-parts under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

- 22. Please identify the “staff and employees” of the board of education who you allege “negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures,” as referenced in paragraph 30 of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

- 23. Please identify the “mandatory safety policies and procedures” as referenced in paragraph 30 of the First Count and paragraph 31 of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter.

The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

24. Please identify the “lock-down portion of the safety protocols,” as referenced in paragraph 30a of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

25. Please identify the “lock down procedure” referenced in paragraph 30d of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

26. Please identify the specific individuals you mean by “they” at the beginning of paragraphs 30a through 30h, respectively, of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

27. Please identify and describe any and all specific duty or duties that form the basis of your allegations in paragraph 30e of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

28. Please identify all facts in support of your claim that there is a "mandated requirement" for the "locking of the school doors," referenced in paragraph 30f of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

29. Please identify the "guidelines regarding school safety" referenced in paragraph 30g of the First Count and paragraph 31g of the Second Count of the Complaint and explain in detail how "they" failed to follow these guidelines.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

30. Please explain in detail the "equipment and training to the staff and personnel" the

defendant allegedly failed to provide, as referenced in paragraph 30g of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

31. Please identify the "lock-down and evacuation security plan," as referenced in paragraph 30g of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

32. Please identify the "policies and procedures for a lock-down and evacuation," referenced in paragraph 30h of the First Count and paragraph 31h of the Second Count of the Complaint, and:
- a. All facts you rely upon to support your claim that teachers and staff were left with no discretion for the implementation of each policy and/or procedure.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and its sub-parts under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

33. Please identify with specificity “the proper equipment, building security, and training” the defendants allegedly failed to provide, as referenced in paragraph 30h of the First Count and paragraph 31h of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

34. Please identify the “mandatory security guidelines,” as referenced in paragraphs 30i and 30j of the First Count and paragraphs 31i and 31j of the Second Count of the Complaint.

ANSWER: ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

35. Please identify with specificity the “equipment and resources” the defendant allegedly failed to provide, as referenced in paragraph 30i and 30j of the First Count and 31i and 31j of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

36. Please identify with specificity “the necessary equipment and training” the defendant allegedly failed to provide, as referenced in paragraph 31 of the First Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

Commented [DJ1]:

37. Please identify the “details of the . . . ministerial plan” that were “reduced to writing and hung on the inside of the classrooms” as referenced in paragraph 13 of the Second Count of the Complaint, and:
- All facts that support the claim that the plan was hung in the classrooms; and
 - The source of your information that the plan was hung in the classrooms.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory and its sub-parts under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

38. Please identify with specificity the “training, supervision, and equipment” the defendant allegedly failed to provide “to implement said security procedures,” as referenced in paragraph 13 of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is

actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint

39. Please identify the specific individuals you mean by "they" at the beginning of paragraphs 31a through 31h, respectively, of the Second Count of the Complaint.

ANSWER: The Town of Sandy Hook and the Board of Education of the Town of Sandy Hook.

40. Please identify and describe any and all specific duty or duties that form the basis of your allegations in paragraph 31e of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint

41. Please identify all facts in support of your claim that there is a "mandated requirement" for the "locking of the school doors," referenced in paragraph 31f of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint

42. Please explain in detail the “equipment and training to the staff and personnel” the defendant allegedly failed to provide, as referenced in paragraph 31g of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint

43. Please identify the “proscribed protocols,” as referenced in the paragraph labeled “31” but in actuality is the 32nd paragraph of the Second Count of the Complaint.

ANSWER:

OBJECTION: The plaintiff objects to this interrogatory under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint.

44. Please identify all expert witnesses whom you intend to call to testify at the time of trial. For each witness, state:
- a. The subject matter on which each expert is expected to testify;
 - b. The substance of the facts and opinions to which each expert is expected to testify; and
 - c. The summary of the grounds for each opinion.

ANSWER: TBD

B. BY WAY OF PRODUCTION:

The defendant hereby requests that you provide copies of the documents described in the following requests for production:

1. Please provide a copy of any and all documents identified in response to Interrogatory No. 2.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

2. Please provide a copy of any and all "school safety policies and procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 3.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior

to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

3. Please provide a copy of any and all “lock-down” plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 4.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

4. Please provide a copy of any and all “evacuation” plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 5.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

5. Please provide a copy of any and all “safety protocols” used as a basis for this complaint, as identified in response to Interrogatory No. 6.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the

Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

6. Please provide a copy of any and all “school lock-down” plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 12.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

7. Please provide a copy of any and all “security and safety guidelines” used as a basis for this complaint, as identified in response to Interrogatory No. 14.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

8. Please provide a copy of any and all “safety procedures” used as a basis for this complaint, as identified in response to Interrogatory No. 17.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

9. Please provide a copy of any and all "internal policies" used as a basis for this complaint, as identified in response to Interrogatory No. 18.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

10. Please provide a copy of any and all "safety polic[ies]" used as a basis for this complaint, as identified in response to Interrogatory No. 19.

ANSWER:

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

11. Please provide a copy of any and all "lock-down or evacuation procedures" used as a

basis for this complaint, as identified in response to Interrogatory No. 20.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

12. Please provide a copy of any and all "security and safety protocols" used as a basis for this complaint, as identified in response to Interrogatory No. 21.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

13. Please provide a copy of any and all "mandatory safety policies and procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 23.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff's own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

14. Please provide a copy of the “lock-down portion of the safety protocols” used as a basis for this complaint, as identified in response to Interrogatory No. 24.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

15. Please provide a copy of any and all “guidelines regarding school safety” used as a basis for this complaint, as identified in response to Interrogatory No. 30.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

16. Please provide a copy of the “lock down procedure” used as a basis for this complaint, as identified in response to Interrogatory No. 25.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

17. Please provide a copy of any and all “lock-down and evacuation security plan[s]” used as a basis for this complaint, as identified in response to Interrogatory No. 31.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

18. Please provide a copy of any and all “mandatory security guidelines” used as a basis for this complaint, as identified in response to Interrogatory No. 34.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

19. Please provide a copy of all materials produced or relied upon by any expert referenced or identified in response to Interrogatory No. 44.

OBJECTION: The plaintiff objects to this production request under the grounds set forth in Practice Book § 13-2, in that the Defendants; as the school board and Town of Newtown are in a much better position to acquire and possess this information; and the request for such information is actually the subject of the Plaintiff’s own interrogatories directed at the Defendants in this matter. The Plaintiffs are not in the best position to acquire, obtain or possess the desired information, as it is almost exclusively information *generated* by the Defendants prior to or after the date of loss cited in the complaint. Therefore the Defendants can obtain the information with much greater facility than it could otherwise be obtained by the Plaintiff.

20. Please provide a copy of any and all reports prepared by any expert whom you intend to call to testify at the time of trial.

ANSWER: TBD

THE PLAINTIFF,
THE ESTATE OF NOAH POSNER
LEONARD POSNER AS ADMINISTRATOR

By: s/426709/
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CERTIFICATE OF SERVICE

I hereby certify that on the date hereon, a copy of the above was mailed to the following counsel and pro se parties of record:

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